

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

SERGIO ALVAREZ,

Plaintiff,

v.

LOCAL UNION 755,

Defendant.

No. 1:23-cv-01163 JLT EPG

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DISMISSING THE  
ACTION WITH PREJUDICE, AND  
DIRECTING THE CLERK OF COURT TO  
CLOSE THE CASE

(Doc. 10)

Sergio Alvarez proceeds *pro se* and *in forma pauperis* in this civil action filed on August 4, 2023, against Defendant Local Union 755. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

The assigned magistrate judge found Plaintiff failed to allege facts sufficient to support his claims for discrimination or violating the Americans with Disabilities Act. (Doc. 10 at 2-3.) The magistrate judge recommended the action be dismissed with prejudice following Plaintiff's failure to cure the pleading deficiencies previously identified by the Court. (*Id.* at 3-4.)

Plaintiff filed objections to the Findings and Recommendations, maintaining that he was discriminated against by his company and union. (Doc. 11.) However, Plaintiff does not identify any facts in his First Amended Complaint to support his claims. Accordingly, his objections do not undermine the findings of the magistrate judge that he failed to state a cognizable claim.

According to 28 U.S.C. § 636(b)(1)(C), this Court performed a *de novo* review of the

1 case. Having carefully reviewed the entire matter, the Court concludes the Findings and  
2 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 3 1. The Findings and Recommendations issued on September 8, 2023 (Doc. 10) are  
4 adopted in full.
- 5 2. This action is dismissed with prejudice.
- 6 3. The Clerk of Court is directed to close this action.

7  
8 IT IS SO ORDERED.

9 Dated: **October 24, 2023**

  
UNITED STATES DISTRICT JUDGE